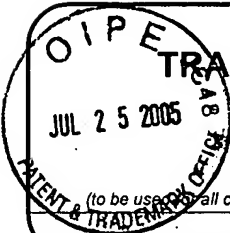


|   |                         |                        |                 |
|---|-------------------------|------------------------|-----------------|
|  | <b>TRANSMITTAL FORM</b> |                        |                 |
|   | Application Number      | 10/773,761             |                 |
|   | Filing Date             | February 6, 2004       |                 |
|   | First Named Inventor    | Erlander, Mark G.      |                 |
|   | Art Unit                | 1634                   |                 |
|   | Examiner Name           | J.S. Sitton            |                 |
| Total Number of Pages in This Submission  | 70                      | Attorney Docket Number | 022041-001420US |

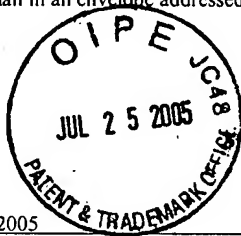
| ENCLOSURES (Check all that apply)   |  |  |   |
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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Form PTO/SB/08B, 10 references, return postcard | Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT  |  |  |   |
| Firm Name   | Townsend and Townsend and Crew LLP   |  |   |
| Signature   | <i>Karen Babayak Dow</i>   |  |   |
| Printed name  | Karen B. Dow   |  |   |
| Date  | July 22, 2005  | Reg. No.   | 29,684  |

| CERTIFICATE OF TRANSMISSION/MAILING  |                          |      |               |
|--|--------------------------|------|---------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |                          |      |               |
| Signature  | <i>Timothy S. Parker</i> |      |               |
| Typed or printed name  | Timothy S. Parker        | Date | July 22, 2005 |

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On July 22, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: Timothy P. Parker

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Mark G. Erlander, et al.

Application No.: 10/773,761

Filed: February 6, 2004

For: PREDICTING BREAST CANCER  
TREATMENT OUTCOME

Examiner: J.S. Sitton

Art Unit: 1634

SECOND SUPPLEMENTAL  
INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The additional references cited on attached form PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the additional cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement, because this submission is prior to the issuance of a first Office Action on the merits.

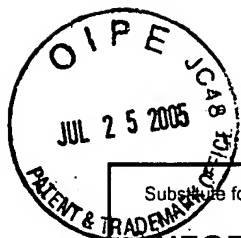
However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Karen B. Dow  
Reg. No. 29,684

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60542960v1



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| Substitute for form 1449B/PTO<br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>(use as many sheets as necessary) |   | <b>Complete if Known</b> |                   |
|  |   | Application Number       | 10/773,761        |
|  |   | Filing Date              | February 6, 2004  |
|  |   | First Named Inventor     | Erlander, Mark G. |
|  |   | Art Unit                 | 1634              |
|  |   | Examiner Name            | J.S. Sitton       |
| Sheet  | 1 | of                       | 1                 |
|  |   | Attorney Docket Number   | 022041-001420US   |

| NON PATENT LITERATURE DOCUMENTS |                          |   |                |
|---------------------------------|--------------------------|---|----------------|
| Examiner<br>Initials *          | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|                                 | BC                       | BARDOU, V.J., et al. "Progesterone receptor status significantly improves outcome prediction over estrogen receptor status alone for adjuvant endocrine therapy in two large breast cancer databases", <i>J. Clin Oncol</i> (2003) 21:1973-9                    |                |
|                                 | BD                       | HUANG, E. et al. "Gene expression predictors of breast cancer outcomes", <i>Lancet</i> (2003) 361:1590-6  |                |
|                                 | BE                       | SØRLIE, T., et al. "Gene expression patterns of breast carcinomas distinguish tumor subclasses with clinical implications", <i>Proc Natl Acad Sci USA</i> (2001) 98:10869-74  |                |
|                                 | BF                       | SØRLIE, T. et al. "Repeated observation of breast tumor subtypes in independent gene expression data sets", <i>Proc Natl Acad Sci USA</i> (2003) 100:8418-23  |                |
|                                 | BG                       | SOTIRIOU, C., et al. "Breast cancer classification and prognosis based on gene expression profiles from a population-based study", <i>Proc Natl Acad Sci USA</i> (2003) 100:10393-8   |                |
|                                 | BH                       | van de VIJVER, M.J., et al. "A gene-expression signature as a predictor of survival in breast cancer", <i>N. Engl. J Med</i> (2002) 347:1999-2009   |                |
|                                 | BI                       | FERNANDEZ M. D., et al. "Quantitative oestrogen and progesterone receptor values in primary breast cancer and predictability of response to endocrine therapy", <i>Clin Oncol</i> (1983) 9:245-50   |                |
|                                 | BJ                       | FERNÖ, M., et al. "Results of two or five years of adjuvant tamoxifen correlated to steroid receptor and S-phase levels", <i>Breast Cancer Res Treat</i> (2000) 59:69-76  |                |
|                                 | BK                       | NARDELLI, G.B., et al. "Estrogen and progesterone receptors status in the prediction of response of breast cancer to endocrine therapy (preliminary report)", <i>Eur J Gynaecol Oncol</i> (1986) 7:151-8  |                |
|                                 | BL                       | OSBORNE, C.K., et al. "The value of estrogen and progesterone receptors in the treatment of breast cancer", <i>Cancer</i> (1980) 46:2884-8  |                |
|                                 | BM                       |   |                |

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.